

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### "NOVEL PLANT PROMOTERS AND METHODS OF USE"

the specification of which (check one)



is attached hereto



was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_ and was  
amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign or provisional application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

### PRIOR FOREIGN APPLICATION(S)

| NUMBER | COUNTRY | MONTH/DAY/YEAR FILED | PRIORITY CLAIMED |
|--------|---------|----------------------|------------------|
|        |         |                      |                  |
|        |         |                      |                  |
|        |         |                      |                  |

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) listed below and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in Title 37, Code of

Federal Regulations §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| APPLICATION SERIAL NO. | FILING DATE      | STATUS: PATENTED, PENDING, ABANDONED |
|------------------------|------------------|--------------------------------------|
| 60/178,916             | February 1, 2000 | Pending                              |
|                        |                  |                                      |

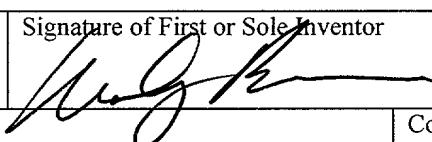
I hereby appoint as my attorneys and/agents, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

|                      |                         |
|----------------------|-------------------------|
| Debra L. Blair       | Registration No. 39,112 |
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| Marianne H. Michel   | Registration No. 35,286 |
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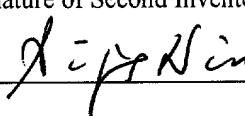
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

|   |   |                        |
|---|---|------------------------|
| Full Name of First or Sole Inventor<br><b>Wesley B. Bruce</b>     | Signature of First or Sole Inventor<br> | Date<br><b>1-19-01</b> |
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Signatures should conform to names as typewritten.  Additional inventors on attached page 3.

|   |   |                        |
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| Full Name of Second Inventor<br><b>Xiping Niu</b>                   | Signature of Second Inventor<br> | Date<br><b>1-19-01</b> |
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